THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.23566 OF 2005

DATED: 03-11-2005

BETWEEN:

The Divisional Engineer

MRT Transformer DivisionM/s APCPDC Limited

.. PETITIONER

and

The Asst.P.F.Commissioner

O/o Employees Provident Fund Organisation..RESPONDENTS

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.23566 OF 2005

ORDER:

The petitioner questions the proceedings No.AP/CP/43278/Enf.ATP/SRO/CDP/2005/2727, dated 19.10.2005 passed by the respondent under Section 7-A of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, demanding the petitioner to pay a sum of Rs.9,65,827/- towards the Provident Fund contribution in respect of the Employees Provident Fund within 3 days, otherwise the penal damages as per

Section 14-B of the Act as well as the interest under Section 7-Q of the Act will attract.

Admittedly, the appeal lies against the order passed by the respondent under Section 7-I of the Act to the appellate Tribunal. The petitioner filed this writ petition without availing the remedy available under Section 7-I of the Act. Therefore, the writ petition is not maintainable

Learned standing counsel appearing for the respondent submits that usually the order that being passed by the appellate Tribunal is also granting stay on payment of 50% of the demanded amount.

Accordingly, the writ petition is disposed of giving liberty to the petitioner to file an appeal before the appropriate tribunal within 10 days from the date receipt of a copy of this order. There shall be stay of operation of the proceedings dated 19.10.005 passed by the respondent during the pendency of the appeal subject to condition that the petitioner deposits half of the demanded amount within three weeks from today. No costs.

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03-11-2005

kvrm